

VIDEOCONFERENCE DEPOSITION
OF

ALBERT YOUNG, taken on behalf of the
Plaintiff herein, pursuant to the
Rules of Civil Procedure, taken before
me, the undersigned, Bernadette M.
Black, a Court Reporter and Notary
Public in and for the Commonwealth of
Pennsylvania, on Thursday, January
16th, 2025, beginning at 2:04 p.m.

I N D E X

WITNESS: ALBERT YOUNG
EXAMINATION

By Attorney Paronich 7 - 65
DISCUSSION AMONG PARTIES 65 - 67
CERTIFICATE 68

A P P E A R A N C E S

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EXHIBIT PAGE

NUMBER	DESCRIPTION	PAGE IDENTIFIED
1	30(b)(6) Deposition Notice	11
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OBJECTION PAGE

ATTORNEY PAGE
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 42, 44, 45, 47, 47, 48, 49,
 50, 56, 56, 65

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A. I think I have. I don't know for sure if it was an official deposition. I don't recall, but I believe so.

Q. Okay.

Well, I'll give you the abridged version, then, of the ground rules here that'll help us get through this as quickly and efficiently as possible.

A. Sure.

Q. So our court reporter is writing down everything we say. So very standard for me, I guess, being from the northeast, if I know what someone's going to say, I'll talk over them or I'll finish their sentence for them. But in a deposition, that works pretty poorly because we're basically trying to create a book of what each other says for the record.

Does that make sense?

A. It does.

Q. Okay.

Similarly, I often will nod or

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STIPULATION

 (It is hereby stipulated and agreed by and between counsel for the respective parties that reading, signing, sealing, certification and filing are not waived.)

PROCEEDINGS

 ALBERT YOUNG,
 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

EXAMINATION

BY ATTORNEY PARONICH:

Q. Mr. Young, you may know already or have heard off the record, but I'll introduce myself on the record. My name is Anthony Paronich. I'm one of the attorneys for the Plaintiff in this action. Have you ever been deposed before?

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shake my head in response to a question, because who doesn't? But again, in a --- when we're creating a book and a transcript here of what we're discussing, verbal responses are best. Do you think you can do that?

A. I can.

Q. There's also not an ability for you to, at a later time after today, say, hey, actually, I didn't understand what you were saying when you asked that question, and I testified under oath. So I might ask several or many questions that you just don't understand. Let me know if that happens. Say you don't understand. Because if you don't, then we're going to assume you have understood the record --- you understood the question for the record. Does that also make sense?

A. It does. I can try to do that.

Q. Okay.

So the oath you took today is similar to what you would take in a

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1 courtroom. Do you understand that?

2 A. I do.

3 **Q. So one of the few ways that**
4 **we're different than being in an**
5 **actual courtroom, as you can see,**
6 **there's no judge here today. And what**
7 **that means is there's no one to**
8 **resolve any objections to any of my**
9 **questions. So what we do in a**
10 **deposition is, even if your attorney**
11 **objects, if you understood my**
12 **question, you still answer it unless**
13 **he instructs you otherwise, which,**
14 **frankly, should only happen in a**
15 **deposition if I'm asking you something**
16 **privileged or if I'm harassing you.**
17 **Do you understand that?**

18 A. I understand.

19 **Q. Okay.**

20 **There's --- we can take a break**
21 **at any time for any circumstance. And**
22 **you don't have to tell us why you want**
23 **to take a break. Don't feel obligated**
24 **to. Just let us know you need a**
25 **break. The only caveat with that is**

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1 A. I believe this is --- is this
2 the --- these are the topics that
3 you'd like to discuss, I believe.

4 **Q. Yeah, that's right. This is a**
5 **deposition notice that was issued in**
6 **discovery in the case. And you're**
7 **quite right, that starting on page six**
8 **of the PDF, there are topics. And**
9 **have you been designated to testify as**
10 **to all of these topics?**

11 A. I have.

12 **Q. And do you understand that**
13 **you're here as a witness on behalf of**
14 **Rebuilt Brokerage?**

15 A. I understand.

16 **Q. There's also a corporate entity**
17 **that's Rebuilt Offers.**

18 **Is that right?**

19 A. That's correct.

20 **Q. And what's the difference**
21 **between the two companies?**

22 A. Rebuilt Offers is an investment
23 company, a real estate investment
24 company. And Rebuilt Brokerage is a
25 real estate brokerage. Both entities

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1 **if I have a question pending, we like**
2 **to get an answer to that question,**
3 **then take the break. Does that make**
4 **sense?**

5 A. It does.

6 **Q. Okay.**

7 **So the first document that I'm**
8 **going to mark as Exhibit 1 is the one**
9 **that's labeled 30(b)(6) Deposition**
10 **Notice.**

11 ---

12 **(Whereupon, Exhibit 1,**
13 **30(b)(6) Deposition**
14 **Notice, was marked for**
15 **identification.)**

16 ---

17 BY ATTORNEY PARONICH:

18 **Q. So could you open that when you**
19 **get a chance?**

20 A. I have it open.

21 **Q. Have you seen this document**
22 **before?**

23 A. I have.

24 **Q. And what's your understanding**
25 **of what it is?**

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1 are owned by a holdings company.

2 **Q. And what holdings company is**
3 **that?**

4 A. Rebuilt Holdings.

5 **Q. And so, as a brokerage, does**
6 **Rebuilt Brokerage engage in different**
7 **business operations than Rebuilt**
8 **Offers?**

9 A. Yes. Slightly different, yes.

10 **Q. Got it. And I know this may**
11 **seem elementary to someone like you,**
12 **who's an expert in this field, but**
13 **appreciate that I'm trying to create a**
14 **record here. So could you explain**
15 **kind of in plain English what a**
16 **brokerage does?**

17 A. A real estate brokerage usually
18 is representing another party in a
19 real estate transaction.

20 **Q. What side of the transaction?**

21 A. It can be either or both sides
22 of a transaction, as a buyer, a
23 seller, or both.

24 **Q. Got it. Does Rebuilt Brokerage**
25 **only operate on one side of the**

transaction, or will it sometimes operate on both?

A. It will sometimes operate on both. It will operate in all three capacities.

Q. Understood. And so then, again, in kind of at a 10,000 foot view, what types of business services is Rebuilt Offers engaged in?

A. Rebuilt Offers is an investment arm. It looks at property as a real estate investor. It doesn't have a fiduciary relationship with the property seller, so it's --- it's looking on behalf of its own balance sheet.

Q. That makes sense. And by contrast, Rebuilt Brokerage does have a fiduciary relationship with its clients.

Correct?

A. Not always, but it can.

Q. In what circumstances does it have a fiduciary relationship with its clients?

A. Could you repeat the question?

Q. Sure. It said for Rebuilt Brokerage, in what capacity does it have a fiduciary relationship with its clients?

A. It would only have a fiduciary relationship if it's agreed to have that relationship. And it usually comes in the form of a listing agreement or a buyer's agency agreement.

Q. Okay.

But Rebuilt offers, by contrast, operates on its own interest and its own behalf?

A. That's right. Generally speaking, yeah.

Q. And you said --- I'm sorry, I just didn't hear. You said, generally speaking?

A. Yeah. I'd have to think through, like, every type of relationship. I mean, it doesn't mean that they're --- yeah, I --- generally speaking, that is accurate.

Q. Okay.

And then just turning back to the Notice, do you have any concerns about your ability to testify about all of the topics in the Notice?

A. I don't.

Q. So one of the things I didn't go over in the ground rules, since you've been deposed before, it seems like you have, is that, you know, part of our legal system, there's --- conversations between you and your attorneys are protected and privileged. Do you understand that?

A. I do.

Q. Okay.

So while it may seem technically responsive to questions that I asked today, I just wanted to remind you that if the answer to my question is you revealing a conversation about --- that you've had with your attorney, please don't do it. Does that make sense?

A. It does.

Q. Okay.

So besides talking to your attorneys, what did you do to prepare for the deposition today?

A. I spoke with several operational people, internal to Rebuilt, to try to understand their knowledge of our marketing operations, text messaging relationship with ClickSend, et cetera, just to see if there was anything that I wasn't familiar with. And I reviewed these --- these documents.

Q. Got it. So I want to go through some of those operational people conversations you had. So do you remember specifically any of the individuals you spoke to?

A. I think I really only spoke with one. Her name is Diane --- would you like her name, her full name, or ---?

Q. Please.

A. Her full --- I have to check real quick what her full legal name

1 is.

2 **Q. Yeah, take your time.**

3 A. Diane Mode.

4 **Q. Could you spell that for us,**
5 **please?**

6 A. D-I-A-N-N-E, M-O-D-E.

7 **Q. And what's Ms. Mode's role at**
8 **the company?**

9 A. I don't have her title in front
10 of me, but I believe it's Operations
11 Associate.

12 **Q. And to prepare for the**
13 **deposition today, you had mentioned**
14 **you had reviewed some documents.**
15 **Correct?**

16 A. Correct.

17 **Q. Do you specifically recall any**
18 **of the documents that you reviewed?**

19 A. I reviewed these documents that
20 I've downloaded here, you know, that
21 my attorney provided and also some
22 emails from ClickSend.

23 **Q. Got it. When you say these**
24 **documents here, do you mean the ones**
25 **that I put in the chat, or are there**

1 **Brokerage?**

2 A. I am not.

3 **Q. Okay.**

4 **So are you --- what are you the**
5 **CEO of?**

6 A. I'm the CEO of Rebuild
7 Holdings.

8 **Q. And then is there a separate**
9 **CEO for Rebuilt Brokerage?**

10 A. No.

11 **Q. So then let me try it this way**
12 **to try to be a little more efficient**
13 **for our question --- questioning.**
14 **Could you give me an overview of the**
15 **corporate structure of Rebuilt**
16 **Holdings, Rebuilt Brokerage and**
17 **Rebuilt Offers?**

18 A. Just in terms of, like,
19 ownership structure or in what
20 capacity?

21 **Q. Yeah, that's a fair**
22 **clarification question. To start, I**
23 **do mean in terms of ownership**
24 **structure.**

25 A. Rebuilt Brokerage is a 100

1 **different documents that you have?**

2 A. I'm referencing the ones you
3 --- you put in the chat because they
4 look similar to one --- potentially to
5 ones that I've received from my
6 attorney.

7 **Q. Okay. Understood.**

8 A. I couldn't --- I can't say for
9 sure they're the same, but ---.

10 **Q. I understand what you're**
11 **saying. Thank you.**

12 **So, Mr. Young, what's your**
13 **current role at Rebuilt?**

14 A. I'm a CEO of Rebuilt.

15 **Q. And it --- oh, the testimony**
16 **today relates to Rebuilt Brokerage, so**
17 **I'll try to specify. But when I say**
18 **the company, for purposes of today's**
19 **deposition, do you understand that I**
20 **mean Rebuilt Brokerage?**

21 A. I did not understand that.

22 **Q. Okay.**

23 **But do you now?**

24 A. I do now.

25 **Q. And are you the CEO of Rebuild**

1 percent owned wholly-owned subsidiary
2 of Rebuilt Holdings. Rebuilt Offers
3 is also a 100 percent wholly-owned
4 subsidiary of Rebuilt Holdings. There
5 are several other entities that are
6 also included. Would you like me to
7 list those?

8 **Q. Did they have --- did those**
9 **other entities also send out text**
10 **messages as part of its relationship**
11 **with ClickSend?**

12 A. No.

13 **Q. Then we don't need to go over**
14 **them. How --- when did you start**
15 **Rebuilt Holdings?**

16 A. Rebuilt Holdings is a Delaware
17 corporation that I believe was
18 incorporated in September of 2021.

19 **Q. And when it was incorporated in**
20 **September of 2021, was Rebuilt**
21 **Brokerage started at the same time?**

22 A. I don't think so.

23 **Q. Okay.**

24 **So when Rebuilt Holdings was**
25 **originally incorporated, what business**

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1 --- what business was it engaged in?

2 A. The same --- same business that
3 it is today, which is largely the
4 Rebuilt Offers investment side of the
5 business.

6 **Q. So just to make sure I**
7 **understood, when Rebuilt Holdings was**
8 **incorporated, it was largely involved**
9 **in the Rebuilt Offers part of the**
10 **business.**

11 **Is that right?**

12 A. That's right.

13 **Q. When did the Rebuilt Brokerage**
14 **part of the business begin?**

15 A. I believe that Rebuilt
16 Brokerage --- probably sometime in ---
17 I think it was sometime in 2023.

18 **Q. And what was the purpose of**
19 **starting Rebuilt Brokerage?**

20 A. There's certain activities that
21 are --- that are --- that require a
22 real estate license to do in the
23 United States. And in order to
24 potentially have access to those, we
25 needed to have a brokerage license.

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1 **Q. Understood. And what are some**
2 **of those activities that require a**
3 **real estate license that Rebuilt**
4 **Brokerage is engaged in?**

5 A. In order to be compensated as a
6 buyer's agent or listing agent on a
7 property, you need to have a real
8 estate license, and so we wanted to
9 potentially have that as an option.

10 **Q. And so does Rebuilt Brokerage**
11 **get compensated as part of its**
12 **relationship with buyers or sellers of**
13 **property?**

14 A. It would. We don't have very
15 much volume in Rebuilt Brokerage and I
16 --- so --- but yes, it would get
17 compensated.

18 **Q. And is that the goal when**
19 **Rebuilt Brokerage is trying to reach**
20 **out to potential customers, to sign**
21 **them up to get compensated for those**
22 **services?**

23 A. No.

24 **Q. Okay.**

25 **So then how does Rebuilt**

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1 **Brokerage make money?**

2 A. It doesn't today.

3 **Q. When it was in operation and**
4 **making money, how did it make money?**

5 A. It's never really been in
6 operation. I don't think it has any
7 revenue at all. I'm not sure it ever
8 has. It might have had some nominal
9 payment for something that I can't
10 recall, but I think the total revenue
11 of Rebuilt Brokerage in its entirety
12 maybe is \$10,000 over several years.

13 **Q. Does the revenue for Rebuilt**
14 **run through Rebuilt Holdings?**

15 A. No. Revenue runs through the
16 individual LLCs that --- of the
17 different business lines.

18 **Q. And were those the other**
19 **companies you were referring to**
20 **earlier in your deposition?**

21 A. That would include some of
22 those, yeah.

23 **Q. So do you understand that this**
24 **lawsuit is related to engaging in**
25 **telemarketing text message conduct?**

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1 A. I do.

2 **Q. So what part of Rebuilt's**
3 **business related to the sending of**
4 **text messages?**

5 A. The sending of text messages
6 related to the marketing of a
7 property?

8 **Q. Just related to the sending of**
9 **marketing text messages generally?**

10 A. I think it would probably
11 depend on your definition of
12 marketing. Are you asking if any
13 entities send text messages at all
14 or ---?

15 **Q. Yeah, when I --- and that's a**
16 **fair clarification. When I'm saying**
17 **sending text messages, I mean through**
18 **a third-party platform such as**
19 **ClickSend.**

20 A. Even a third-party platform, I
21 would need clarification what you mean
22 by that. You know, is it any
23 communication provider, you know, like
24 if I ---?

25 **Q. I'm sorry, I didn't mean to**

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1 **talk over. You can finish.**

2 A. I would just need clarification
3 on exactly what you're looking for.

4 **Q. Sure. So when we talk about**
5 **sending text messages, of course there**
6 **could be a variety of things at issue**
7 **there. What this lawsuit is about**
8 **isn't, you know, individuals on their**
9 **personal cell phones sending out text**
10 **messages, but there are companies out**
11 **there, such as ClickSend, that provide**
12 **a service that allow you to send text**
13 **messages en masse. And what I'm**
14 **interested in is what services of**
15 **Rebuilt have done this sending text**
16 **messages en masse.**

17 A. Gotcha. Okay. Thank you.
18 ClickSend --- are you saying in
19 the history of Rebuilt, any services
20 we've ever used or currently or ---?

21 **Q. Yeah. Let's start with**
22 **currently and then we'll go to ever.**

23 A. I'm --- I'm --- I'm trying to
24 confirm this right now through my ---
25 but I believe ClickSend is the only

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1 at one point, once we had a brokerage,
2 we started marketing through the
3 brokerage, but --- and leveraging the
4 brokerage as a marketing provider to
5 Rebuilt Offers, but it would be the
6 same product offering.

7 **Q. The same --- the same marketing**
8 **purpose was consistent between Rebuilt**
9 **Brokerage and Rebuilt Offers?**

10 A. Correct.

11 **Q. Okay.**

12 **And I think you had said that**
13 **Rebuilt Brokerage has largely ceased**
14 **operations.**

15 **Is that right?**

16 A. It never really had operations.
17 It's only really ever functioned as a
18 marketing platform for us. It still
19 is in operation. We still have a
20 legal entity that is operating.

21 **Q. Okay.**

22 **And did Rebuilt Offers ever**
23 **serve as a marketing arm for any of**
24 **the other Rebuilt entities when it was**
25 **using ClickSend?**

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1 mass messaging, texting platform that
2 we leverage across any of the entities
3 within Rebuilt.

4 **Q. Okay.**

5 **And so has it always been that**
6 **way? Meaning, has ClickSend always**
7 **been the only mass messaging platform?**

8 A. Yes.

9 **Q. So then what different lines of**
10 **businesses have used ClickSend at**
11 **Rebuilt?**

12 A. I believe only Rebuilt
13 Brokerage and possibly Rebuilt Offers.

14 **Q. What was the purpose of Rebuilt**
15 **Brokerage using ClickSend?**

16 A. Rebuilt Brokerage uses
17 ClickSend in order to send out
18 marketing materials of inven --- of
19 investment real estate inventory that
20 is available --- available for
21 purchase by real estate investors.

22 **Q. What does Rebuilt Offers**
23 **utilize ClickSend for?**

24 A. It would --- it would utilize
25 it for the same purpose. The only ---

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1 A. No.

2 **Q. When Rebuilt Brokerage or**
3 **Offers utilized ClickSend to engage in**
4 **the marketing you just mentioned,**
5 **where did those telephone numbers come**
6 **from?**

7 ATTORNEY PARONICH:

8 Jacob, because I just
9 saw you, I think you might have
10 just objected to form. But so
11 you know, I think you're on
12 mute or --- it doesn't look
13 like you're on mute, but I
14 can't hear you. Because you
15 did just do a form objection,
16 right? I just caught it with
17 my eyes, not my ears. I can
18 now hear you, but you sound
19 very low.

20 THE WITNESS:

21 Yeah, it's a little
22 mute.

23 ATTORNEY PARONICH:

24 It's about the same.

25 THE WITNESS:

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1 Do you have maybe
2 AirPods enabled or something?
3 ATTORNEY BACH:
4 Can you hear me better
5 now?
6 ATTORNEY PARONICH:
7 You just got better.
8 Yeah.
9 ATTORNEY BACH:
10 Well, that's weird. Is
11 it still better?
12 ATTORNEY PARONICH:
13 Much better.
14 ATTORNEY BACH:
15 I'll just talk louder
16 then.
17 ATTORNEY PARONICH:
18 Okay.
19 BY ATTORNEY PARONICH:
20 **Q. And so, Mr. Young, I was just**
21 **asking about where the telephone**
22 **numbers were acquired from that were**
23 **sent through ClickSend.**
24 A. To my knowledge, ClickSend
25 obtains the phone numbers on our

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1 behalf.
2 **Q. Okay.**
3 **Do you know from where they**
4 **obtain them?**
5 A. I do not.
6 **Q. Have you asked them as part of**
7 **discovery in this lawsuit?**
8 A. I did not.
9 **Q. Is there any rules or protocols**
10 **that Rebuilt has in place ---**
11 **actually, let me strike that.**
12 **What are the parameters that**
13 **Rebuilt provides to ClickSend for the**
14 **types of telephone numbers to acquire?**
15 A. No parameters. I'm sorry.
16 There might be a parameter.
17 Occasionally we will ask for a
18 specific area code.
19 **Q. What are the circumstances**
20 **under which Rebuilt would ask for a**
21 **specific area code?**
22 A. We try to only provide
23 marketing to particular areas. We
24 have markets within Rebuilt, and when
25 someone signs up for marketing

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1 materials, they tell us --- they
2 designate which markets they're
3 interested in. And we have found over
4 time that people prefer that the
5 person they're interacting with has an
6 area code of that market.
7 **Q. Okay. Understood.**
8 **Does Rebuilt have any --- so**
9 **let me strike that.**
10 **You understand that this**
11 **lawsuit relates to alleged violations**
12 **of the Telephone Consumer Protection**
13 **Act?**
14 A. I do.
15 **Q. Okay.**
16 **And do you understand when ---**
17 **if I say --- use the phrase TCPA, do**
18 **you understand what I'll be referring**
19 **to?**
20 A. I do.
21 **Q. Does Rebuilt have any written**
22 **policies regarding the TCPA?**
23 A. It does not.
24 **Q. Does Rebuilt have any written**
25 **documents regarding its relationship**

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1 **with ClickSend that discuss the TCPA?**
2 A. Does not.
3 **Q. Does Rebuilt have a**
4 **subscription to the National Do Not**
5 **Call Registry?**
6 A. I believe so.
7 **Q. Does Rebuilt utilize that**
8 **subscription as part of its**
9 **relationship with ClickSend?**
10 A. No.
11 **Q. What purpose does Rebuilt**
12 **utilize that subscription to the**
13 **National Do Not Call Registry?**
14 A. I know that data is loaded. To
15 be clear, I'm not 100 percent positive
16 we do maintain a subscription to that,
17 but at one point in time we accessed
18 that information. It felt like
19 something that would be important to
20 have. But because we don't really
21 initiate anything centrally, I don't
22 know that there is a use case for it.
23 And our understanding was that if
24 somebody opted into marketing
25 materials, that the Do Not Call List

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1 was not a relevant thing.

2 **Q. And so what's your**
3 **understanding of those rules regarding**
4 **the opt in you just mentioned?**

5 ATTORNEY BACH:

6 Objection, form. You
7 can answer.

8 THE WITNESS:

9 Just --- just what I
10 just described, that if
11 somebody agrees to receive
12 marketing materials, that they
13 are electing that it's okay to
14 receive those in the future and
15 that the Do Not Call List would
16 not be a relevant thing to ---.

17 BY ATTORNEY PARONICH:

18 **Q. So then, with respect to the**
19 **text messages sent through ClickSend,**
20 **do any employees of Rebuilt operate**
21 **the ClickSend platform?**

22 A. Yes, I think so.

23 **Q. And could you describe for me**
24 **--- or actually, let me strike that**
25 **and start with this.**

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1 front of me. I'm not sure if that
2 date was relayed. I can try to look
3 it up if you need me to.

4 **Q. That's okay.**

5 **If we need it later, Mr. Bach**
6 **and I can have a conversation about**
7 **that.**

8 ATTORNEY BACH:

9 He provided that date to
10 me. I think that's the email
11 he's discussing. So obviously,
12 we don't want to get into
13 privileged information, but let
14 me confirm that date with him
15 and I'll provide it to you.

16 ATTORNEY PARONICH:

17 Okay.

18 BY ATTORNEY PARONICH:

19 **Q. And does --- and does Rebuilt**
20 **still utilize ClickSend?**

21 A. We do.

22 **Q. Now, you understand that this**
23 **is a putative class action lawsuit**
24 **that's been filed in Federal Court,**
25 **which is why we're here today?**

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1 **What employees at Rebuilt are**
2 **responsible for interacting with**
3 **ClickSend?**

4 A. We don't have anyone
5 specifically responsible for
6 interacting with ClickSend. Over
7 time, it's historically been either
8 myself or one or two operations people
9 if there's been an issue.

10 **Q. Would that include Ms. Mode?**

11 A. She would be one of them, yes.

12 **Q. And who would the other one be?**

13 A. Past employees that have been
14 in a similar role.

15 **Q. Okay.**

16 **I just want to make sure I**
17 **understood your testimony from**
18 **earlier. So ClickSend is the only**
19 **mass marketing text platform that**
20 **Rebuilt has utilized?**

21 A. I think so.

22 **Q. How long has Rebuilt utilized**
23 **ClickSend?**

24 A. I provided a date that we
25 initiated that. I don't have it in

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1 ATTORNEY BACH:

2 Objection, form.

3 THE WITNESS:

4 I understand that we are
5 being sued about text messages.
6 I --- I'm not sure about the
7 class action piece. I don't
8 under --- you know, that's
9 above my pay grade.

10 BY ATTORNEY PARONICH:

11 **Q. Understood. But you --- so you**
12 **do have an understanding that there's**
13 **a lawsuit related to TCPA violations?**

14 A. I do.

15 **Q. And so, due to this lawsuit**
16 **related to TCPA violations, has**
17 **anything about Rebuilt's relationship**
18 **with ClickSend changed?**

19 ATTORNEY BACH:

20 Objection, form. You
21 can answer.

22 THE WITNESS:

23 Has anything about our
24 relationship changed? I would
25 say what's changed is us

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1 digging in more and trying to
 2 understand what service
 3 ClickSend is providing and
 4 whether we have some exposure
 5 due to this lawsuit just like
 6 is this something that was
 7 mishandled by them or --- so in
 8 terms of what's changed, I'd
 9 say just questioning whether
 10 they're operating at the right
 11 way and capacity for us.
 12 BY ATTORNEY PARONICH:
 13 **Q. Understood. And have you**
 14 **conveyed those questions to ClickSend?**
 15 ATTORNEY BACH:
 16 Objection to form.
 17 THE WITNESS:
 18 I don't know if I've
 19 phrased it exactly that way.
 20 No.
 21 BY ATTORNEY PARONICH:
 22 **Q. But as a result of this**
 23 **lawsuit, have you conveyed any**
 24 **questions to ClickSend?**
 25 ATTORNEY BACH:

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1 Objection, form.
 2 THE WITNESS:
 3 We have.
 4 BY ATTORNEY PARONICH:
 5 **Q. And what are those?**
 6 ATTORNEY BACH:
 7 Objection, form.
 8 THE WITNESS:
 9 We've asked about data
 10 retention policies. We've
 11 asked about --- particularly
 12 around data retention policies.
 13 BY ATTORNEY PARONICH:
 14 **Q. And what has ClickSend's**
 15 **response been?**
 16 A. That --- I believe their
 17 response has been that they only
 18 maintain records for a brief period of
 19 time. I think it --- I think they
 20 said three months.
 21 **Q. And have you asked ClickSend**
 22 **any other questions with respect to**
 23 **TCPA compliance?**
 24 ATTORNEY BACH:
 25 Objection, form.

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1 THE WITNESS:
 2 Not that I'm aware of.
 3 BY ATTORNEY PARONICH:
 4 **Q. Is ClickSend a software program**
 5 **that you sign up for?**
 6 A. It is a web-based platform that
 7 executes the transmission of text
 8 messages.
 9 **Q. So do you have to log into a**
 10 **ClickSend account?**
 11 A. You do.
 12 **Q. And can you describe that**
 13 **process for me?**
 14 A. Yes. You bring up the
 15 homepage. There's a login button, I
 16 think it's located in the upper right-
 17 hand corner. And then you enter in a
 18 username and password.
 19 **Q. And if you want to send text**
 20 **messages, what do you do next?**
 21 A. You --- there's a button, I
 22 believe it's called Create Campaign.
 23 And you would click that button and
 24 you would select which phone number
 25 you're sending your marketing

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1 materials to --- from --- excuse me,
 2 from. And then you would tell it
 3 which marketing list you're sending
 4 to. And then you would choose a
 5 template or to craft a unique text
 6 message, and then you would click
 7 send.
 8 **Q. Got it. Thank you. I think I**
 9 **understood that. I just wanted to**
 10 **make sure I did. So do you start by**
 11 **selecting the telephone numbers you**
 12 **want to send a message to?**
 13 A. No, you start by selecting the
 14 --- if you have multiple phone numbers
 15 that you're sending from, you would
 16 first select which phone number you're
 17 sending from.
 18 **Q. How does Rebuilt decide which**
 19 **phone number it wants to send from?**
 20 A. Today, I believe we send only
 21 from one phone number. That's not
 22 always been the case.
 23 **Q. Okay.**
 24 **So then in the past, how has**
 25 **Rebuilt decided which phone number to**

Page 42

1 **send from?**

2 A. If --- it depended on the
3 market. We tried to send from an area
4 code that was generally considered,
5 you know, close or aligned with the
6 market that we were sending the
7 marketing text to.

8 **Q. Got it. Who supplies the phone
9 numbers?**

10 ATTORNEY BACH:

11 Objection, form.

12 THE WITNESS:

13 ClickSend provides the
14 phone numbers.

15 BY ATTORNEY PARONICH:

16 **Q. So then after a phone number to
17 send from has been selected, is that
18 when you select the telephone numbers
19 that you want to send the text
20 messages to?**

21 A. You could type in a specific
22 phone number, I believe, and you could
23 also probably individually select
24 phone numbers to send to. Or you
25 would select a list that you already

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1 to receive that property. And so it
2 would be the San Antonio list.

3 **Q. Got it. And is there a ---
4 like a drop-down menu of different
5 lists to choose from?**

6 A. There is.

7 **Q. And so then when the phone
8 number has been selected and the list
9 has been selected, at that point is
10 the text message marketing content
11 created?**

12 ATTORNEY BACH:

13 Objection, form.

14 THE WITNESS:

15 The content of the
16 message --- you can create the
17 content right then and there.
18 We utilize templates, so it's
19 standardized, but you would
20 select the template or create
21 your own content.

22 BY ATTORNEY PARONICH:

23 **Q. Where did the template come
24 from?**

25 A. The template was created by a

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1 have on the platform that you are
2 sending to. So that you're not
3 specifically selecting individual
4 phone numbers, you're selecting a list
5 of phone numbers.

6 **Q. Got it. And is that how
7 Rebuilt utilized the service, by
8 selecting a list of phone numbers?**

9 A. That's right.

10 **Q. And so how would Rebuilt decide
11 which list to select?**

12 A. The inventory that we're
13 looking to market, the property that
14 we're looking to market or group of
15 properties is --- whatever the
16 location of those properties, it would
17 designate which market that it's in.
18 I believe in the text messages that
19 we're discussing that pertain to this
20 lawsuit were around San Antonio
21 market. And so, in this case, it
22 would be a San Antonio-based property.
23 And so, therefore, you would select
24 the San Antonio-based investors that
25 signed up for the marketing materials

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1 Rebuilt employee.

2 **Q. And who is that?**

3 A. It would be someone that no
4 longer works at the company.

5 **Q. But do you remember who it was?**

6 A. I don't --- I don't know
7 specifically who created the template.

8 **Q. And does the --- when the
9 template's created, does it live in
10 the account at ClickSend or do you
11 have to acquire it from somewhere?**

12 A. The template lives in the plat
13 --- in the ClickSend platform.

14 **Q. Got it. And so then when the
15 content has been selected, how are the
16 messages then sent?**

17 ATTORNEY BACH:

18 Objection, form.

19 THE WITNESS:

20 There's a send button
21 that says send on it that you
22 --- you can either ---
23 theoretically, you could
24 schedule it for a later date or
25 you can send it immediately.

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1 BY ATTORNEY PARONICH:

2 **Q. Would Rebuilt typically**
3 **schedule it for a later date or send**
4 **it immediately?**

5 A. I believe we utilize the send
6 immediately.

7 **Q. Then is there some kind of**
8 **report that Rebuilt would receive for**
9 **ClickSend regarding the campaign**
10 **transmission?**

11 A. Not that I'm aware of.

12 **Q. So how would Rebuilt know if**
13 **the text messages were sent or not?**

14 A. I think there are tools within
15 the platform that you could look to
16 see that it was successful. I think
17 historically we haven't had an issue
18 with it being successful, so we
19 haven't really had to look.

20 **Q. Does Rebuilt pay ClickSend**
21 **based on how many transmissions are**
22 **sent?**

23 A. My understanding is that we pay
24 a per-message rate to ClickSend, but
25 that it's --- you have to load funds

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1 Anecdotal feedback from
2 customers.

3 BY ATTORNEY PARONICH:

4 **Q. And does Rebuilt log that**
5 **feedback from customers?**

6 A. No, it's anecdotal.

7 **Q. So what's your understanding of**
8 **where ClickSend acquires these phone**
9 **numbers?**

10 A. I don't --- I don't have an
11 understanding.

12 **Q. Do you have any --- any idea of**
13 **where the phone numbers come from at**
14 **all?**

15 A. I have no idea. I would assume
16 a telecommunications company.

17 **Q. But any knowledge you have**
18 **about where the telephone numbers come**
19 **from, would that be fairly**
20 **characterized as an assumption?**

21 ATTORNEY BACH:

22 Objection, form.

23 THE WITNESS:

24 I'm sorry. Could you
25 repeat the question?

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1 onto the account. So we pay a chunk
2 of money and then it is debited on a
3 per-message rate.

4 **Q. Got it. Okay.**

5 **How does Rebuilt field any**
6 **responses that come into the texts?**

7 ATTORNEY BACH:

8 Objection, form.

9 THE WITNESS:

10 We really don't. It's

11 really a one-way messaging
12 platform. It's actually one of
13 the downsides of ClickSend.

14 BY ATTORNEY PARONICH:

15 **Q. Does Rebuilt have analytics**
16 **where it can measure the success of**
17 **the ClickSend campaigns?**

18 A. We do not.

19 **Q. So then, from a business**
20 **perspective, how have you made the**
21 **decision to continue utilizing**
22 **ClickSend?**

23 ATTORNEY BACH:

24 Objection, form.

25 THE WITNESS:

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1 BY ATTORNEY PARONICH:

2 **Q. I'll ask a slightly different**
3 **one. Do you have any personal**
4 **knowledge as to where the telephone**
5 **numbers come from?**

6 A. I have no personal knowledge as
7 to where the phone numbers come from.

8 **Q. Have you ever asked ClickSend**
9 **where the telephone numbers come from?**

10 A. I have not.

11 **Q. Have you ever had a**
12 **conversation with ClickSend about**
13 **whether or not the telephone numbers**
14 **acquired were TCPA compliant?**

15 ATTORNEY BACH:

16 Objection ---.

17 THE WITNESS:

18 I have not.

19 BY ATTORNEY PARONICH:

20 **Q. Is Rebuilt in possession of any**
21 **written writings from individuals**
22 **where they're authorizing Rebuilt to**
23 **send text messages to their number on**
24 **the National Do Not Call Registry?**

25 A. Could you repeat that one more

Page 50

1 time?

2 **Q. Sure. My question is, if**
 3 **Rebuilt has in its possession any**
 4 **signed written agreements where**
 5 **individuals are agreeing to receive**
 6 **telemarketing text messages?**

7 A. We do not have any --- I don't
 8 know what constitutes signed. Like a
 9 physical piece of paper?

10 **Q. Well, let's start with a**
 11 **physical piece of paper. Does it have**
 12 **any physical pieces of paper that have**
 13 **been signed?**

14 A. No.

15 **Q. So then does it have any**
 16 **unsigned physical pieces of paper with**
 17 **such an agreement? Does it have any**
 18 **electronically-signed documents with**
 19 **--- that are written agreements for**
 20 **individuals to receive telemarketing**
 21 **text messages from Rebuilt?**

22 ATTORNEY BACH:

23 Objection, form.

24 THE WITNESS:

25 So in order to gain

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1 history of Rebuilt?

2 **Q. Yeah, that's a fair**
 3 **clarification. That is what I mean.**

4 A. Over the entire history of
 5 Rebuilt, we've had probably in the
 6 neighborhood of 40 to 60,000 people.

7 **Q. And is that a separate list of**
 8 **people and telephone numbers than what**
 9 **ClickSend acquires?**

10 A. It is not. It's --- it would
 11 be a subsegment of that.

12 **Q. So ClickSend --- to make sure I**
 13 **understand, ClickSend acquires a**
 14 **series of telephone numbers that**
 15 **receive text messages? No? Okay. I**
 16 **just see you shaking your head,**
 17 **so ---.**

18 A. Sorry, I didn't mean to cut you
 19 off. Go ahead.

20 **Q. It's okay. It happens. So my**
 21 **understanding is that you testified**
 22 **earlier that ClickSend would provide**
 23 **telephone numbers that were texted to.**
 24 **Is that right?**

25 A. That's incorrect. I thought

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1 access to these marketing
 2 lists, you need to sign up for
 3 an account. And during that
 4 process, you're required to
 5 click a checkbox, which
 6 constitutes an agreement and
 7 acknowledgement of our
 8 marketing.

9 BY ATTORNEY PARONICH:

10 **Q. So that in order to sign up for**
 11 **these offerings from Rebuilt?**

12 A. Correct.

13 **Q. And where do individuals sign**
 14 **up for those offerings from Rebuilt?**

15 A. On the Marketplace account. We
 16 have a marketplace of inventory that's
 17 available. And if you want to access
 18 that inventory, you need to sign up
 19 with a --- whether you username,
 20 password and phone number.

21 **Q. And where is this Marketplace?**

22 A. Marketplace.rebuilt.com.

23 **Q. And how many such individuals**
 24 **have signed up for those offerings?**

25 A. I think --- over the entire

Page 53

1 you were describing the phone number
 2 --- they obtain the phone numbers we
 3 send from, not to.

4 **Q. Okay.**

5 **So in terms of the text mess**
 6 **--- the telephone numbers that are**
 7 **sent text messages, those telephone**
 8 **numbers come from the Marketplace?**

9 A. Correct.

10 **Q. Is that --- go ahead.**

11 A. Those phone numbers do not come
 12 from ClickSend.

13 **Q. Okay.**

14 **Well, thanks for that**
 15 **clarification. Then is the**
 16 **Marketplace the only place that those**
 17 **telephone numbers are acquired from?**

18 A. Yes.

19 **Q. Does Rebuilt have any process**
 20 **where it verifies the submission or**
 21 **checks the accuracy of the submission**
 22 **to make sure that an individual is**
 23 **providing their own phone number?**

24 A. Currently it does.

25 **Q. Has it in the past?**

1 A. In times in the past it did
2 not.

3 **Q. And what is that process ---**
4 **let me strike that.**

5 **Describe --- so currently it**
6 **does.**

7 **Correct?**

8 A. It does.

9 **Q. So describe how that process**
10 **works to me, please.**

11 A. The current process is a multi-
12 factor authentication process. So you
13 are required --- you will enter a
14 first name, last name, email, phone
15 number and select the markets that
16 you're interested --- interested to
17 receive marketing materials, agree to
18 the terms of service and then click
19 --- sign up or a button and you're
20 sent a text message to verify that
21 phone number.

22 **Q. And is it the case then that**
23 **you only get marketing text messages**
24 **once that phone number has been**
25 **verified?**

1 A. Correct.

2 **Q. So when did that multi-step**
3 **authentication process start?**

4 A. That would have started with
5 our new technology platform, which I
6 believe went live in March of 2023.

7 **Q. And as part of the discovery**
8 **responses in this case, Rebuilt has**
9 **stated that it acquired the**
10 **Plaintiff's phone number in 2022.**

11 **Correct?**

12 A. I believe that's accurate. I
13 don't have it in front of me, but I
14 believe that's accurate.

15 **Q. Okay.**

16 **And that's fair enough. And**
17 **I'll represent to you that the**
18 **discovery responses say that it was**
19 **acquired via Web submission on July 1,**
20 **2022 at 8:13 a.m. Do you have any**
21 **reason to believe that not to be**
22 **accurate?**

23 A. I believe that to be accurate.

24 **Q. And that would have been before**
25 **the multi-factor authentication**

1 **started?**

2 A. It would have.

3 **Q. Prior to this lawsuit, has**
4 **Rebuilt ever been named in any type of**
5 **lawsuit for violations of the TCPA?**

6 ATTORNEY BACH:

7 Objection, form.

8 THE WITNESS:

9 We have not been named
10 any lawsuits.

11 BY ATTORNEY PARONICH:

12 **Q. Has Rebuilt received any ---?**

13 ATTORNEY BACH:

14 Form.

15 ATTORNEY PARONICH:

16 Thank you for clarifying
17 that.

18 BY ATTORNEY PARONICH:

19 **Q. Before this lawsuit, has**
20 **Rebuilt ever received any written**
21 **demand letters or complaints**
22 **regarding unwanted text messages?**

23 ATTORNEY BACH:

24 Objection, form.

25 THE WITNESS:

1 I think we have received
2 one or two emails regarding
3 complaints about text messages.

4 BY ATTORNEY PARONICH:

5 **Q. And are those emails --- have**
6 **those been saved?**

7 A. I would assume so, but I would
8 need to ask our tech people.

9 **Q. Okay.**

10 ATTORNEY PARONICH:

11 Jacob, let's confirm

12 with that off the record when
13 you get a chance, because I
14 don't know if we have those,
15 but happy to be told I'm wrong.

16 THE WITNESS:

17 I could be mistaken as
18 well. I would be shocked if we
19 didn't have somebody that was
20 --- you know, people complain
21 about anything, so ---.

22 ATTORNEY BACH:

23 I will talk to you about
24 this off the record.

25 BY ATTORNEY PARONICH:

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1 **Q. Okay.**

2 **And then, Mr. Young, do you**
3 **recall having any kind of**
4 **investigation into any of those**
5 **complaints?**

6 A. I don't know. I don't recall
7 that.

8 **Q. Does Rebuilt have an employee**
9 **or third-party company that oversees**
10 **TCPA compliance for it?**

11 A. No.

12 **Q. Does Rebuilt have a procedure**
13 **in place for placing individuals on**
14 **its internal Do Not Call List?**

15 A. We do.

16 **Q. I'm sorry, go ahead.**

17 A. We do.

18 **Q. How does that process work?**

19 A. If somebody calls in and asks
20 not to be called, I call this
21 definition --- then we have a platform
22 that there is a button to click do not
23 contact, and that person is added to
24 our Do Not Contact List.

25 **Q. Got it. So Rebuilt can**

1 up.

2 ATTORNEY BACH:

3 Yeah, let's just ---

4 let's take five while you get
5 ready. Need a break.

6 ATTORNEY PARONICH:

7 Okay.

8 You know, let's call it
9 ten. We'll come back at 2:10
10 your time and 3:10 mine.

11 ATTORNEY BACH:

12 Okay.

13 ---

14 (WHEREUPON, A BREAK WAS TAKEN.)

15 ---

16 (Whereupon, Exhibit 2,
17 RBL 0001, was marked for
18 identification.)

19 ---

20 BY ATTORNEY PARONICH:

21 **Q. So, Mr. Young, I'm going to be**
22 **asking you a couple of questions about**
23 **RBL 0001. That's in the chat. Do you**
24 **see that document?**

25 A. I do.

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1 **manually add people to the Do Not**
2 **Contact List?**

3 A. That's right.

4 **Q. Is there also a process through**
5 **ClickSend where someone can ask that**
6 **text messages no longer be sent to**
7 **them?**

8 A. There is a process.

9 **Q. And how does that work?**

10 A. Every text message --- to my
11 understanding, every text message that
12 ClickSend sends has a message at the
13 bottom of it that says, in order to be
14 removed from this list, reply stop.

15 **Q. Understood. Is there a certain**
16 **time of day that Rebuilt sends the**
17 **text messages?**

18 A. Not on a scheduled basis, no.

19 **Q. I just ---.**

20 ATTORNEY PARONICH:
21 Jacob, I don't know if
22 you want to take five minutes
23 or, Mr. Young, if you do. I'm
24 just going to go through the
25 exhibits and then we'll wrap

1 **Q. And then the --- there are**
2 **different columns in this document**
3 **with column feathers at the top. Do**
4 **you see those?**

5 A. I do.

6 **Q. I just have questions about the**
7 **campaign ID. When there's different**
8 **campaign IDs referenced, is that based**
9 **on or related to your prior testimony**
10 **that for different markets Rebuilt**
11 **would have different lists that it**
12 **would send marketing texts to?**

13 A. Let me just review it real
14 quick.

15 **Q. Yeah, take your time.**

16 ---

17 (WHEREUPON, WITNESS REVIEWS DOCUMENT.)

18 ---

19 THE WITNESS:

20 The fact that the
21 campaign IDs are unique tells
22 me that ClickSend creates a
23 unique campaign ID for every
24 single text message that gets
25 sent.

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BY ATTORNEY PARONICH:

Q. Do you think it's for each text message or for each campaign?

A. I think it's for each text message that's sent to a specific list. Not for every text message that's sent to every individual receiver, but for a text message that was sent to a list.

Q. Okay.

Now, I understood your testimony earlier to be that there are different campaigns created based on geographical location offerings. Is that right?

A. We select the list that the marketing text would go to depending on the location of the inventory. And we would select the list that is appropriate for that location.

Q. Got it. Are there any other campaign differentiators, any other factors that how campaigns could get further limited or is it just geography?

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A. It's --- it's essentially by geography as decided by the user. They select the market, the market that --- their market construct being geographic.

(Whereupon, Exhibit 3, RB 2, Email Thread, was marked for identification.)

BY ATTORNEY PARONICH:

Q. Okay.

Then we'll just go to the last exhibit, which is RB 2. It's a text mess --- it's an email thread that was produced in the case. Pull it up when you get a chance, and I just have a question or two about this one.

A. I have it up.

Q. See the --- there's an email from Margie Crawford at ClickSend, the second email down?

A. I do.

Q. And it says, the keyword STOP

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inbound rule is active. Currently there are 53,000 names and numbers on this contact list. Did I read that correctly?

A. That's what it says, yes.

Q. So is it your understanding from this email and your knowledge of Rebuilt that there are over 53,000 individuals who have asked to stop receiving text messages from Rebuilt?

A. I don't know that it's a unique number of people, but it says that there are 53,000 names and numbers.

Q. Understood. And your point would be that it's possible that a name and number is on there more than once?

A. Yeah, I don't know that. That I don't know. Yeah.

Q. Okay.

And under the current system, where there's the multi-factor authentication, how does that second line of authentication work? Is it a text message response?

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ATTORNEY BACH:

Objection, form.

ATTORNEY PARONICH:

I'll withdraw it and

I'll break it into two different parts.

BY ATTORNEY PARONICH:

Q. How does that text --- the multi-factor authentication second part work?

A. When you sign up, it sends you a text message to the phone number you provided. Within that phone number is a link --- there's a link that you need to click in order to have verified your phone number.

Q. Okay.

Well, Mr. Young, it's possible that your attorney may have questions for you. If he does, then I may be asking you further questions. But otherwise, thank you for your time today.

ATTORNEY BACH:

I'll reserve my

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1 questions until time of trial.
 2 ATTORNEY PARONICH:
 3 And so, Madam Court
 4 Reporter, do you need our
 5 orders on the record or how do
 6 you to do this?
 7 COURT REPORTER:
 8 Yes, I do. Thank you.
 9 ATTORNEY PARONICH:
 10 Sure. We'll take
 11 electronic with exhibits,
 12 please. Normal turnaround time
 13 is fine.
 14 ATTORNEY BACH:
 15 And we'll read and sign.
 16
 17 COURT REPORTER:
 18 Okay.
 19 And do you want an
 20 exhibit --- do you want a
 21 transcript?
 22 ATTORNEY BACH:
 23 Yes, please.
 24 COURT REPORTER:
 25 Email's fine?

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1 COMMONWEALTH OF PENNSYLVANIA)
 2 COUNTY OF BEDFORD)
 3 CERTIFICATE
 4 I, Bernadette M. Black, a Notary
 5 Public in and for the Commonwealth of
 6 Pennsylvania, do hereby certify:
 7 That the witness, Albert Young, whose
 8 testimony appears in the foregoing deposition,
 9 was duly sworn by me on January 16, 2025 and
 10 that the transcribed deposition of said
 11 witness is a true record of the testimony
 12 given by said witness;
 13 That the proceeding is herein recorded
 14 fully and accurately;
 15 That I am neither attorney nor counsel
 16 for, nor related to any of the parties to the
 17 action in which these depositions were taken,
 18 and further that I am not a relative of any
 19 attorney or counsel employed by the parties
 20 hereto, or financially interested in this
 21 action.
 22 Dated the 16th day of January, 2025__
 23
 24 Bernadette M. Black,
 25 Court Reporter

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1 ATTORNEY BACH:
 2 Yep.
 3 COURT REPORTER:
 4 Okay. Thank you.
 5 ATTORNEY PARONICH:
 6 All right.
 7 Thank you all. Mr.
 8 Young, thank you for your time.
 9 * * * * *
 10 VIDEOCONFERENCE DEPOSITION
 11 CONCLUDED AT 3:16 P.M.
 12 * * * * *
 13
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 19
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 21
 22
 23
 24
 25